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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,553	08/21/2006	Stefan Frits Brouwer	209593-101739	1858
26127 7590 07/05/2007 DYKEMA GOSSETT PLLC 39577 WOODWARD AVENUE SUITE 300 BLOOMFIELD HILLS, MI 48304-5086			EXAMINER DOAK, JENNIFER L	
			ART UNIT 2872	PAPER NUMBER
			MAIL DATE 07/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,553	Applicant(s) BROUWER ET AL.	
	Examiner Jennifer L. Doak	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-34 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-23, 25, 11-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/05/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claims 21, 22, and 31 are objected to because of the following informalities: the term "some" in claims 21 and 31 (i.e. "some play") and 22 (i.e. "some degrees") is a relative term, which renders the claim unclear. The term "some" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention. For the purpose of examination, "some play" will be interpreted as any amount of flexibility in the system outside the span of standard open and closed. For the purposes of examination, "some degrees" will be interpreted as any number of degrees greater than 1°.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-14, 16, 19-23, 25-29, and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Crandall (US 5940230).

Regarding Claim 11, Crandall discloses a wing mirror unit (Figs. 3, 4) for a vehicle, comprising: a base plate (20); a supporting frame (22) pivotally connected to the base plate (20);

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and an actuator (30, 38, 52) including an engaging part (38, 52) connected to the supporting frame (22); wherein the supporting frame (22) is pivotal with respect to the base plate between a folded orientation, in which the supporting frame substantially abuts along a body (Fig. 4) of said vehicle, and an unfolded orientation (Figs. 3 and 4), in which the supporting frame is substantially oriented transversely to the body of said vehicle (Figs. 3 and 4); and further wherein the engaging part (38, 52) is adjustable between a first orientation located near the body of said vehicle and a second orientation located farther outward with respect the body of said vehicle (Figs. 3 and 4).

Regarding Claim 25, Crandall discloses a wing mirror assembly comprising: a base plate (20); a supporting frame (22); a means for pivoting the supporting frame (22) with respect to the base plate (20); and an actuator (30, 38, 52) including an engaging part (38, 52) that operatively engages the supporting frame (Figs. 3 and 4); wherein the means for pivoting the supporting frame (22) includes a main pivot for pivoting the supporting frame from a folded orientation to an unfolded orientation (Figs. 3 and 4 transition), and an auxiliary pivot (28, 16) for pivoting the supporting frame (22) with respect to the base plate (20).

Regarding Claim 32, Crandall discloses a wing mirror system for a vehicle comprising: a body portion (10); a base plate (20) extending from the body portion (10); an actuator (30, 38, 52) including an engaging part (38, 52); a supporting frame (22) pivotally connected to the actuator (30, 38, 52) about a main pivot (44, 46, 48) and pivotally connected to the base plate (20) about an auxiliary pivot (28, 16); wherein the engaging part (38, 52) supports the main pivot (44, 46, 48) and the position of the main pivot is adjustable inwardly and outwardly with respect to the body of said vehicle (Figs. 3 and 4).

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Regarding Claims 12-14, 16, 19-23, 26-29, 31, and 33, Crandall further discloses including a main pivot (44, 46, 48) for pivoting the supporting frame (22) from the unfolded orientation to an emergency folded orientation (Fig. 4); the main pivot is adjustable transversely to the body of said vehicle between the first orientation and the second orientation (Figs. 3 and 4) (i.e. the transition between Figs. 3 and 4); the engaging part (38, 52) supports the main pivot (44, 46, 48); the actuator adjusts the engaging part towards and away from the base plate (Figs. 3 and 4) (i.e. the transition between Figs. 3 and 4); an auxiliary pivot (28, 16) that is disconnectably anchored or attached to the base plate or the supporting frame (22); an auxiliary pivot (28, 16) with respect to the base plate (20) when the actuator (30, 38, 52) adjusts between the folded orientation and the unfolded orientation (Figs. 3 and 4); the engaging part is configured with some play with respect to the actuator (Fig. 6); the engaging part (30, 52), to overcome a dead center during an adjustment, can pivot by some degrees (Figs. 3, 4, 6); the actuator includes a driving arm (44, 46, 48, 38, 52); and the supporting frame (22) is pivotal with respect to the base plate (10) between a folded orientation (Fig. 4), in which the supporting frame substantially abuts along the body of said vehicle (Fig. 4), and an unfolded orientation (Fig. 3), in which the supporting frame is substantially oriented transversely to the body of said vehicle (Fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 15, 17-18, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crandall (US 5940230).

Regarding Claim 15, Crandall does not explicitly disclose that the actuator is electric. However, electric actuators are well known in the art and since no mechanism is disclosed to run the motor (30) by hand, gas-power, solar power, or nuclear power, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an electric actuator, since the disclosed actuator must inherently be electric or an electric actuator would be an art recognized equivalent.

Regarding Claims 17-18 and 30, Crandall discloses that the driving arm (44, 46, 48, 38, 52) forms the engaging part (38, 52). Crandall does not disclose that the actuator is a linear actuator including a driving arm. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a linear actuator in Crandall's mirror system, since it is an art recognized equivalent of the motor driving system disclosed.

Cited Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moro (US 4548483) is cited to show a similar mirror system.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer L. Doak whose telephone number is 571-272-9791. The examiner can normally be reached on Mon-Thur: 7:30A-5:00P, Alt Fri: 7:30A-4:00P (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JD


Stephone B. Allen
Supervisory Patent Examiner